

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ERNESTO and DIANA MIRANDA,

08 CV 4231
08 CV 5509

Plaintiffs,

-against-

MOTION TO REMAND

ABEX CORPORATION, et al,

Defendants.

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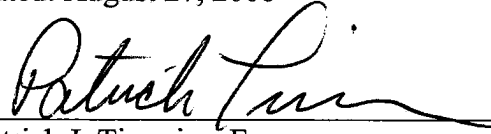
COME NOW Plaintiffs Ernesto and Diana Miranda and respectfully request that this Court remand the above-captioned case to State Court.

All claims in this case to removal jurisdiction based on federal officer grounds have been based on Plaintiff Ernesto Miranda's exposure to asbestos through aviation equipment. Plaintiffs have now agreed to dismiss all claims for aviation-related asbestos exposure. Therefore, the remaining defendant objecting to remand of this case, GE Company, has no independent basis for invoking federal jurisdiction. Defendant GE Company's objection to remand of this case is without merit.

Therefore, Plaintiffs respectfully request that the Court remand this case to New York Supreme Court to the New York City Asbestos Litigation ("NYCAL") *in extremis* calendar so it can be placed back on the November 2008 docket.

[signature on the following page]

Dated: August 27, 2008

A handwritten signature in black ink, appearing to read "Patrick Timmins", written over a horizontal line.

Patrick J. Timmins, Esq.

Levy Phillips & Kongsberg

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New York, NY 10022

Counsel for Plaintiffs Ernesto and Diana Miranda

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
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ERNESTO and DIANA MIRANDA,

08 CV 4231

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Plaintiffs,

-against-

[PROPOSED] ORDER

ABEX CORPORATION, et al,

Defendants.

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Good cause having been shown, it is hereby ORDERED that Plaintiffs' Motion to Remand is GRANTED and this case is REMANDED to New York Supreme Court to its prior Index No. 104346/08.

So ORDERED this ____ day of _____, 2008.

Judge Shira A. Scheindlin

CERTIFICATE OF SERVICE

I, Patrick Timmins, a member of this Court, hereby certify that on this 28th day of August, 2008 I caused a true and correct copy of Motion to Remand and Proposed Order to be served electronically on all counsel of record in this matter.

_____/s/
Patrick Timmins